

responsive to the Requirements for an Election of Species mailed July 29, 2002 and October 30, 2002, respectively.

REMARKS

The instant application relates to combinations of crop-protection agents and polymeric cationic auxiliaries that permit controlled release of an active compound.

In the previous Response to Requirement for an Election of Species, Applicants elected, with traverse, iodosulfuron-methyl as the anionic agrochemically active compound and Mirapol[®] as the cationic polymer recited in claims 1-43.

In this Response to Requirement for an Election of Species, Applicants elect, with traverse, the additional surfactant Genapol[®] LRO (see page 13, line 4 of the instant specification) and the additional agrochemical compound bromoxynil (see page 12, line 23 of the instant specification). Claims 1-6, 8, 9, 11-36, and 38-43 read on the elected species.

Upon indication of an allowable generic claim, Applicants reserve the right of consideration of claims covering additional species that include all of the limitations of the allowed generic claim as provided by 37 C.F.R. 1.141.

Applicants urge that the Requirement is improper because it does not demonstrate that searching all the inventions constitutes an undue burden to the Office. It is respectfully submitted that all claims can be searched and examined together without undue burden because the species are functionally related and are directed to the same inventive concept. Moreover, if the Requirement is maintained, then serial and overlapping searches are likely to occur during the examination of the instant application and any related divisional applications. Such redundancy represents a significant loss of efficiency for the Patent and Trademark Office.

It is also respectfully urged that the Requirement is contrary to public policy because it constitutes an undue burden to Applicants and the public. The Requirement, if maintained, may require Applicants to file related divisional applications, and thereby possibly suffer reductions in patent term. The public is also inconvenienced because they will not know whether they can practice the remaining invention in light of the uncertainty whether Applicants filed divisional applications directed to unelected species.

Additionally, Applicants are at a loss as to the Examiner's basis for the instant Requirement. Specifically, Applicants respectfully assert that an election of species from dependent claims 9-11 adds to the cumulative burden imposed by the July 29, 2002 and October 30, 2002 Office Actions. Therefore, the instant Requirement is manifestly unjustified.

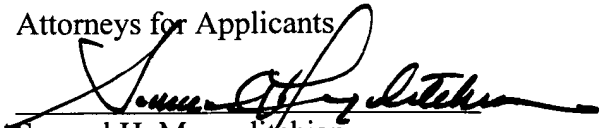
In view of the foregoing, reconsideration and modification of this Requirement is requested and an early action on the merits is earnestly solicited.

As this paper is being submitted within the one month period for reply set by the March 11, 2003 Office Action, no fee is believed to be due. In the event a fee is occasioned by this paper, the fee may be charged, or overpayment credited to, Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By:


Samuel H. Megerdichian
Registration No. 43,678
(212) 588-0800